

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.101.413 renewals and) ON PROPOSED AMENDMENT
24.154.401 fees)
) (Licensed Addiction Counselors)

TO: All Concerned Persons

1. On April 3, 2008, at 1:00 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Licensed Addiction Counselors Program (program) no later than 5:00 p.m., on March 28, 2008, to advise us of the nature of the accommodation that you need. Please contact Cyndi Breen, Licensed Addiction Counselors Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdlac@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(p) remain the same.

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(q)	Licensed Addiction Counselors	Licensed Addiction Counselor	Biennially <u>Annually</u>	June 30

(r) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-141, MCA

REASON: The department determined that reasonable necessity exists to amend this rule changing the renewal frequency from biennially to annually to make the budgeting process more straightforward. Annual collection of license revenue complies with the Department of Administration's fiscal guidelines regarding recording revenue. Entities that renew on a biennial schedule and receive their entire renewal revenue in one year must hold half of the revenue and record it in the

second year of the renewal cycle in order to avoid budget shortfalls. Annual renewal will eliminate the need to defer half the revenue until the following year, thereby simplifying the accounting process.

24.154.401 FEE SCHEDULE (1) remains the same.

(a) <u>Original Examination Application</u>	\$200
(b) <u>Renewal</u>	135
(b) <u>Original Endorsement Application</u>	200
(c) <u>Oral examination/reexamination</u>	200
(c) <u>Original License</u>	50
(d) <u>Active Renewal</u>	150
(e) <u>Inactive Renewal</u>	65
(2) and (3) remain the same.	

AUTH: 37-1-131, 37-1-134, 37-35-103, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-35-103, 37-35-202, MCA

REASON: It is reasonably necessary to amend this rule to ensure the program's fees remain at a level commensurate with associated costs as required by 37-1-134, MCA, and to comply with recommendations of the Legislative Auditor. The department has not increased the program's fees since 2003 and currently collects license renewal fees on a biennial basis, which has not proven cost effective. In addition, the program had been partially funded by the Department of Public Health and Human Services' Addictive and Mental Disorders Division and this funding ceased at fiscal year (FY) end 2007. The proposed annual renewal fees will adequately cover program costs and allow the program to reach and maintain a stable financial position.

The department is eliminating the oral examination from the fee rule in response to a 2005 legislative amendment to 37-35-202, MCA. The 2005 Montana Legislature enacted Chapter 126, Laws of 2005 (House Bill 203), an act revising professional and occupational licensing laws. The bill was signed by the Governor on March 30, 2005, and became effective on July 1, 2005. The amended statute specifies that applicants must complete a competency examination "in writing only," and this rule is being amended accordingly.

In addition, the department is proposing a new fee for inactive status licensure renewal. Following requests from licensees, the department determined it is reasonably necessary to allow for inactive status renewal and is amending this rule accordingly.

It is estimated that the proposed fee changes will affect approximately 580 licensees and applicants and will result in a cumulative annual increase in program revenue of \$47,365.00.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Licensed Addiction Counselors Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or

by e-mail to dlibsdlac@mt.gov, and must be received no later than 5:00 p.m., April 11, 2008.

5. An electronic copy of this Notice of Public Hearing is available through the department and program's site on the World Wide Web at www.lac.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Licensed Addiction Counselors Program maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all Licensed Addiction Counselors Program administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Licensed Addiction Counselors Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdlac@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified on January 29, 2008, by regular mail.

8. Anjeanette Lindle, attorney, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 3, 2008